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BOOK REVIEWS

Guide to the Law and Legal Literature of Argentina, Brazil and Chile. By Edwin M. Borchard. Published by the Library of Congress, Washington. 1917. pp. 523. \$1.

This is the fourth in the series of guides to foreign law begun by the author when he held the post of law librarian in the Library of Congress, whose head, with characteristic intelligence, perceived the value of such work when well done, and gave it support and encouragement. In the present volume, as in those that have preceded it, there is the threefold object (1) to furnish lawyers and students with information as to the institutions and legal literature of the countries concerned, (2) to acquaint legislators and men of affairs with developments in foreign legislation, particularly on economic and social questions, and (3) to aid students of jurisprudence and of history with a discriminating indication of the sources from which a knowledge of the contributions of other countries to the theory and philosophy of law may be obtained.

In the performance of his present task, the author had the advantage of making a journey through the countries of Central and South America, including the three whose law and legal literature the work now before us surveys. Not only was he thus enabled to supplement his studies in the foreign law collections of the Library of Congress by studies in each of the countries concerned, but he had the highly valuable opportunity of direct conference with their jurists and scholars. As a result he is often able to impart to what might otherwise have been a dry bibliographical description or reference an illuminating quality which tends to instruct as well as to interest the reader. In this relation he makes special acknowledgment of his obligations to Dr. José León Suarez and other members of the Faculty of Law of Buenos Ayres, to Dr. Rodrigo Octavio and Senator Ruy Barbosa of Rio de Janeiro, and to Señor Carlos Silva Cruz and Dr. Julio Philippi of Santiago de Chile—names very familiar to those who are acquainted with recent developments in legislation and in legal science in South America.

The reader cannot fail to be impressed with the extent and variety of the legal literature here passed in review, embracing, as it does, commentaries on constitutional law, on the organization and procedure of the courts, on the codes of civil, commercial, and penal law, on administrative, military and ecclesiastical law, and on international law. Naturally, the legal literature of Chile, the country being not only smaller but possessing less diversity of economic and industrial interests than the other two, is not so extensive as that of Argentina or of Brazil, but it includes titles of great repute and value. The writings of Chilean publicists have indeed been characterized by thoroughness and care; and, with the single exception of the work of Ciriaco Morelli, professor at the University of Córdoba, on the law of nature and of nations, which was first published in Latin at Venice and has only lately been translated into Spanish, the earliest South American treatise on international law is that of the Chilean, Andres Bello, which appeared in 1832. But, while the work of Morelli is in the main a philosophical disquisition on natural, civil and public law, that of Bello is justly called by Dr. Borchard a "classic treatise" on the law of nations. Editions have appeared in Madrid, Paris, Carácas and Bogotá, in addition to the four that have been published in Chile. Dr. Borchard states that Bello's work "largely influenced our own celebrated publicist, Wheaton, in the latter's work on international law."

The service which Dr. Borchard has rendered in the preparation of the series of guides to foreign law is greatly enhanced by the latest number.

JOHN BASSETT MOORE

Columbia University

Roman Law in the Modern World. By Charles Phineas Sherman (Vol. I, History of Roman Law and its Descent into English, French, German, Italian, Spanish and other Modern Law. pp. xxvii, 413. Vol. II, Manual of Roman Law Illustrated by Anglo-American Law and the Modern Codes. pp. xxxii, 496. Vol. III, Subject-Guides to the Texts of Roman Law, to the Modern Codes and Legal Literature, and Index. pp. vii, 315.) Published by The Boston Book Co., Boston. 1917.

The appearance of Professor Sherman's three-volume work marks an epoch for the English-speaking student of Roman law. The author has evidently conceived his task of presenting the contribution of Roman law to the jurisprudence of to-day to have three phases, each of which he has attempted to cover in one of his volumes.

The historical connection between the past and present is of course a necessary link if the causal relation is to be established for the sequence of the latter from the former. The avenue through which a given doctrine could descend must first be shown before conviction that such descent took place is possible. This is the purpose and scope of the first volume entitled "History." Another phase of the presentation is the pointing out of the actual similarities between the Roman and the modern law. This is the task of the second volume. The third phase of the presentation is to give the student an exhaustive bibliography of Roman and modern law. This forms the material for the third volume.

That the conception of the work is extremely clear and logically sound is at once apparent. The execution of the plan has been brilliantly accomplished. The style is lucid and concise. Indeed its lack of ponderous legal circumlocutions gives the perusal of the first two volumes a charm rarely found in reading a legal treatise. Nor, on the other hand, does the treatment at all border on the loose or inexact, for the stupendous amount of research in the original and secondary sources as shown by the brief but multitudinous notes is uniformly reflected in the scholarly character of the text.

Volume one, as mentioned above, is an historical development of Roman law from its earliest beginnings down to the present time. As the object of the work is to present the Roman law as it exists to-day, not much space is allotted to the earliest periods of its growth. These are hurriedly yet, for the purpose, adequately treated. The remainder of the volume is devoted to demonstrating the channels by which Roman legal concepts flowed into the various systems of present-day law. This volume is prefaced by a comprehensive table of contents which aids in no small measure in presenting the most complete and lucid picture yet to appear of the historical connection between the Roman and the modern systems of jurisprudence.

The second volume forms the doctrinal exposition of Roman law as it existed at the time of Justinian, with enough historical perspective to enable the student to grasp intelligently the finished juristic phenomena as they appear in the *Corpus Juris*. Besides this, a most valuable part of this treatise is the constant comparison of the Roman with the modern doctrine. In some cases dissimilarities are noted. The similarities by far preponderate. The order of subjects is generally that of the Code Napoléon. This order has been adopted, as Dr. Sherman tells us, because of the influence this great codification has exerted